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**ZONING AND PLATTING COMMISSION SITE PLAN
SITE PLAN REVIEW SHEET**

CASE NUMBER: SP-2011-0177DS **ZAP COMMISSION DATE:** 11/20/2012
(postponed from 11/6/12)

PROJECT NAME: Boat Dock for 5 Humboldt Lane

ADDRESS: 5 Humboldt Lane

WATERSHED: Lake Austin (Drinking Water Protection Zone)

EXISTING ZONING: LA

PROJECT DESCRIPTION: The applicant has proposed to construct a two-slip residential boat dock and walkway/staircase on Lake Austin. However, based upon a restrictive covenant which prohibits development below the 675-foot contour in the Rob Roy subdivision, and because of the encroachment of the boat dock into the gradient boundary of Lake Austin, the site plan was denied. The applicant is thereby appealing the site plan denial.

APPLICANT: Maureen Alexander
8801 Mendocino Drive
Austin, Texas 78735

AGENT: David Braun
Braun & Gresham
P.O. Box 1148
Dripping Springs, Texas 78701
Phone: (512) 894-5426

NEIGHBORHOOD ORGANIZATIONS:

Austin Heritage Tree Foundation
Austin Monorail Project
Rob Roy Homeowners, Association, Inc.
Lake Austin Collective
Glenlake Neighborhood Association
League of Bicycling Voters
City of Rollingwood
The Real Estate Council of Austin, Inc.
Austin Parks Foundation
Sierra Club, Austin Regional Group
Super Duper Neighborhood Objectors and Appealers Organization
Homeless Neighborhood Organization
Save Our Springs Alliance

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SUMMARY STAFF RECOMMENDATION: Staff does not recommend approval of the site plan because it does not comply with the applicable restrictions. The subject property is Lot 51, Block E, of the Rob Roy Subdivision, Phase II, and a restrictive covenant recorded in Volume 6673, Page 1697 of the Travis County Deed Records notes the following:

(Section) 2.04 Lake Austin Bluff Lines: There shall be no development, improvement, or structure, temporary or permanent, below the line shown on the Plat as designating the Lake Austin Bluff Line. Such areas are to be left totally and completely in their natural state. All activity and improvement, including but not limited to, ladders, elevators, stairs, walkways, etc. are expressly prohibited.

The document further defines the "Lake Austin Bluff Lines" as the 675-foot contour line. A copy of this restrictive covenant is included with the backup.

Additionally, the proposed boat dock has been designed to extend approximately 22 feet beyond the 482-foot contour (the "gradient boundary"), which is recognized as the line of demarcation between private and public properties of the inundated lands within Lake Austin. According to City of Austin policy, the proposed dock would encroach into City property, and staff has pointed out to the applicant that a license agreement may be required for such encroachment.

ADDITIONAL COMMENTS: An application for site development permit for the boat dock was submitted on June 29, 2011. The site plans and accompanying materials were reviewed by Land Use Review staff, and a report was provided to the applicant on August 18, 2011. Shortly after release of the report, staff was contacted by a representative of the Rob Roy Architectural Committee and made aware of the above-referenced restrictive covenant.

The applicant's attorney has disputed the validity of the restrictive covenant, as it references a "...line shown on the Plat as designating the Lake Austin Bluff Line", and no such line was depicted on the subdivision plat. Also, the subdivision plat referenced an applicable restrictive covenant, but the recording information was not filled in on the final plat. The applicant's engineer has disputed the validity of the gradient boundary, and noted that it is only City policy, and not a codified development regulation.

The applicant's attorney also noted that the City of Austin had permitted a boat dock on another lot within this subdivision in January 2007 (SP-06-0666DS). This permit was suspended when the restrictive covenant was discovered, but was later reinstated when the landowner secured a deed which proved he owned the land under which the dock was to be constructed.

On January 26, 2012, the applicant's attorney requested that he receive a formal denial of the site plan, and the Director complied on February 17, 2012. That letter is included within this backup.

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The applicant is therefore appealing the denial of the site plan as per Section 25-5-112(C) of the Land Development Code.

It should also be pointed out that access to the proposed boat dock from land would be extremely difficult due to the approximately 80 percent slopes that lead downward from the 675-ft. contour line to the shoreline. Although staff commented on this access issue in their review report to the applicant, no response has been received to date in regard to this matter. It appears that the existing topography is too steep to traverse safely without providing stairs, trams or similar access methods, all of which are disallowed within the shoreline setback established by LA zoning, and expressly prohibited in Section 2.04 of the restrictive covenant.

CASE MANAGER: Michael Simmons-Smith
michael.simmons-smith@austintexas.gov



City of Austin
Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas 78767

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February 17, 2012

David Braun
Braun and Gresham, PLLC
P.O. Box 1148
Dripping Springs, Texas 78620

RECEIVED

FEB 24 2012

Braun & Gresham

RE: Proposed Boat Dock for 5 Humboldt Lane
Case No. SP-2011-0177DS

Dear Mr. Braun:

As discussed in my correspondence to you dated January 24, 2012, and based upon the restrictive covenant recorded in Volume 6673, Page 1697, which prohibits development in the Rob Roy Phase Two subdivision below the 675-foot contour line, we cannot approve the above-referenced site plan.

There is no administrative process by which the application can be approved, unless the restrictive covenant is modified. And, if no further action is taken by the applicant to prepare a plan that is in compliance, then the site development permit application for the proposed boat dock will expire on June 23, 2012.

Please accept this letter notifying the applicant that the site plan, as it is currently depicted in the most recent submittal dated August 9, 2011, is thereby denied.

Sincerely,

Gregory I. Guernsey, AICP, Director
Planning and Development Review Department

cc: Mitzi Cotton, Assistant City Attorney
Judd Leach, Assistant City Attorney
Michael Simons-Smith, Senior Planner, PDRD
George Zapalac, Development Services Manager
Susan Scallon, Environmental Program Coordinator



City of Austin

CLB

Founded by Congress, Republic of Texas, 1839
Planning and Development Review Department
P.O. Box 1088, Austin, Texas 78767

January 24, 2011

David Braun
Braun and Gresham, PLLC
P.O. Box 1148
Dripping Springs, TX 78620

RE: Boat Dock for 5 Humboldt Lane
Site plan SP-2011-0177DS

Dear Mr. Braun:

Sorry for my delay in responding to your reconsideration request. You have requested a reconsideration of my decision to deny grandfathering under Chapter 245 of the Texas Local Government Code for a proposed boat dock at 5 Humboldt Lane. A restrictive covenant was filed as a condition of approval to the final plat that prohibits any and all development below the 675 foot contour elevation. This includes a boat dock and any associated appurtenances. It is my decision to uphold the original decision to deny the grandfathering for this project.

If you have questions regarding the terms of this letter, please call me at 974-2387.

Sincerely,

Gregory I. Guernsey, AICP, Director
Planning and Development Review Department

CC: Susan Scallon, PDRD
Brent Lloyd, Law
Judd Leach, Law

RESTRICTIVE COVENANT FOR
ROB ROY SUBDIVISION

THE STATE OF TEXAS ~~AGE 29-7923~~ 6158 * 9.00

2-09-6643

COUNTY OF TRAVIS : KNOW ALL MEN BY THESE PRESENTS:

THIS DECLARATION, made this 14th day of August,
1979, by AUSTIN ROB ROY CORPORATION, a Texas corporation, herein-
after referred to as "Declarant".

RECITALS

1. Declarant is the owner of all that certain real property
located in Travis County, Texas, described as follows:

Rob Roy Subdivision, Block A, Lots 1 through
18; Block B, Lots 1 through 8; Block C, Lots
1 through 18; Block D, Lots 2 through 52;
Block E, Lots 1 through 68; Block F, Lots 1
through 17; Block G, Lots 1 through 31; Block
H, Lots 1 through 2 and Block I, Lots 1 through
34, an addition in Travis County, Texas, accord-
ing to the map or plat thereof, recorded in
Book _____, Page _____ of the Plat Records
of Travis County, Texas.

2. Declarant will convey the above described Property, sub-
ject to certain restrictions as hereinafter set forth.

NOW, THEREFORE, it is hereby declared that all of the Prop-
erty described above shall be held, sold and conveyed, subject to
the following restrictions for the purposes set forth above and
for protection of the value and desirability of the Property. The
following restrictions shall run with the Property and shall be
binding on all parties having any right, title or interest in or
to the above described Property or any part thereof, and their
heirs, successors and assigns; and which restrictions shall inure
to the benefit of each owner thereof.

ARTICLE I
DEFINITIONS

1.01 "Owner(s)" shall mean and refer to the recorded Owner,
whether one or more persons, associations or entites, of legal,
equitable or beneficial title of or to any lot. Owner shall in-
clude purchaser of a lot under an executory contract for sale of

real property. The foregoing does not include persons or entities who hold interest in any lot merely for the security for the performance of an obligation.

1.02 "Property" shall mean and refer to that certain real property described in Recital 1 above. 2-09-1644

1.03 "Lot" shall mean each parcel of land shown as a lot on the recorded final plat map of the Property and designated on said map by a separate number, or any subsequent subdivision thereof.

1.04 "Improvements" shall mean the buildings, garages, carports, roads, antennas, driveways, parking areas, walls, hedges, plantings, planted trees and shrubs, and all other structures or landscaping improvements of every kind and type affecting the natural condition of the land or the drainage of surface waters on, across or from the land.

1.05 "Single Family" shall mean a group of one or more persons related to each other by blood, marriage, or legal adoption, or a group of not more than three persons not all so related, together with their domestic servants to maintain a common household in a dwelling.

1.06 "Single Family Residential Use" shall mean the occupation or use of an Improvement by a Single Family in conformity with this Declaration and the requirements imposed by applicable zoning laws or any other State, County or Municipal laws, rules, regulations, codes or ordinances.

1.07 "Building Site" shall mean and refer to that portion of any of the above defined lots within the front setback and other lot lines upon which a single family residence may be constructed.

1.08 "Lake Austin Bluff Line" shall be the areas designated on the Plat as the Lake Austin Bluff Line, which shall be the 675 foot contour line. *

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ARTICLE II
RESTRICTIONS

2.01 Building Foundations: All building foundations on slopes of 15% or greater or on fill placed upon such slopes shall utilize design and construction practices certified by a registered professional engineer qualified to practice in this field and such design shall be placed on file with the City of Austin Engineering Department. 2-09-6645

2.02 Fills and Cuts: No fill on any lot shall exceed a maximum of three feet of depth. Except for structural excavation, no cut on any lot shall be greater than six feet.

2.03 Driveway Grades: Every lot shall be reasonably accessible by vehicle from the roadway to the probable Building Site. For a minimum travel distance of twenty-five feet from the roadway edge, the driveway grade may exceed (14%) only with specific approval of surface and geometric design proposals by the Director of the Engineering Department or his designee.

2.04 Lake Austin Bluff Lines: There shall be no development, Improvement, or Structure, temporary or permanent, below the line shown on the Plat as designating the Lake Austin Bluff Line. Such areas are to be left totally and completely in their natural state. All activity and Improvement, including, but not limited to, ladders, elevators, stairs, walkways, etc., are expressly prohibited. *

ARTICLE III
MISCELLANEOUS

3.01 Modification: The restrictions of this restrictive covenant are derived from the City of Austin, Texas, Ordinance No. 780105-C. In the event that said ordinance becomes less restrictive concerning building foundations, building sites and driveways, this covenant shall be amended to follow such less restrictive ordinance, but in the event that such possible ordinance changes become more restrictive, the restrictions of this covenant shall remain in effect. This covenant may be modified, amended or terminated only by a majority vote of a quorum of the members of the City Council of the City of Austin, or such other governing body as may succeed the City Council of the City of Austin, and joined by the undersigned Declarant.

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3.02 Enforcement: If any persons, person, firm, corporation or entity of any other character shall violate or attempt to violate the restrictions contained herein, the City of Austin, a municipal corporation, its successors and assigns, shall have the right to enforce these restrictions by proceedings at law or in equity to prevent said violation or attempted violation thereof.

2-29-6646

EXECUTED this 14th day of August, 1979.

ATTEST:

AUSTIN ROB ROY CORPORATION

By Gary Bradley
Secretary, Gary Bradley

(NO SEAL)

By John C. Wooley
John C. Wooley

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

BEFORE ME, the undersigned authority, on this day personally appeared JOHN C. WOOLEY & GARY BRADLEY, President & Secretary of AUSTIN ROB ROY CORPORATION, a Texas corporation, known to me to be the person and officer whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed, as the act and deed of said corporation, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 14th day of August, 1979.

NOTARY SEAL

Patricia Langford
Notary Public, Travis County, Texas
Patricia Langford

My Commission Expires:

5-10-81

STATE OF TEXAS
I hereby certify that this instrument was FILED on the date and at the time stamped herein by me; and was duly RECORDED, in the Volume and Page of the PUBLIC RECORDS of Travis County, Texas, as stamped herein by me, on

AUG 20 1979



Laris H. Hargrave
COUNTY CLERK
TRAVIS COUNTY, TEXAS

FILED
AUG 29 3 00 PM '79

Laris H. Hargrave
COUNTY CLERK
TRAVIS COUNTY, TEXAS

6673 1700

BRAUN & GRESHAM
ATTORNEYS AT LAW

June 22, 2012

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VIA HAND DELIVERY

Gregory I. Guernsey, AICP, Director
Planning and Development Review Department
City of Austin
One Texas Center, 505 Barton Springs Road
P.O. Box 1088, Austin, Texas, 78767

**Re: Appeal to the Land Use Commission
(Zoning and Platting Commission)
Proposed Boat Dock for 5 Humboldt Lane
Lot 51, Block E, Phase II, Rob Roy subdivision
Case Number SP-2011-0177DS**

Dear Mr. Guernsey:

We received your denial of the Site Plan application for a boat dock at 5 Humboldt Lane (Lot 51), Case Number SP-2011-0177DS, which was formalized on February 17, 2012, by the attached letter. Your letter indicates that our application expires on June 23, 2012, unless we further amend our site plan. However, your letter also states that there is no administrative procedure by which our site plan can be approved. We are unclear whether this letter is the final decision of the City of Austin and therefore, the end of the available administrative remedies. We have talked with Judd Leach, an attorney for the City of Austin, and he was also unclear whether your letter indicates that we have exhausted our administrative remedies with the City of Austin.

Therefore, in an abundance of caution, this letter serves as our appeal to the Land Use Commission of your denial, in accordance with § 25-5-112(C) of the Land Development Code of the City of Austin. Our appeal is based on the following grounds:

1. The restrictive covenant that is the basis of your denial is too ambiguous to enforce and, in any case, we believe that it does not apply to the portion of Lot 51 where the boat dock is proposed. The language in the restrictive covenant depends on a line being depicted on the plat to delineate the affected property. That line was never placed on the plat and therefore, it is not possible to tell what the parties intended with regards to the western third of Lot 51. The parties did not apply this restrictive covenant to adjacent and nearby properties with the similar topography as the western third of Lot 51. As a result of the ambiguity and the evidence that the restriction was not applied to similar properties, the covenant should not be applied.

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2. The City of Austin's exercise of its discretionary authority to enforce the restrictive covenant is not permissible under Section 202.004 of the Texas Property Code because it is arbitrary, capricious and discriminatory. The Director approved a boat dock on Lot 55, in 2010 (Case #SP-06-0666DS) which has exactly the same restrictive covenant as Lot 51.
3. The City of Austin has waived the enforcement of the restrictive covenant by allowing a boat dock to be built on Lot 55.

We are unclear if we need to ask for an extension of time for the appeal of our application to be considered. If such an extension is required, we are also requesting it in this letter.

We request that the Land Use Commission hear our appeal as soon as possible, so we can move expeditiously to resolve this matter. Please let us know if we have exhausted our administrative remedies with the City and should seek relief of our claims in District Court.

Very truly yours,



David Braun
Attorney and Counselor

Simmons-Smith, Michael

From: Melissa Houtz <~~melissa.houtz@cityofaustin.org~~>
Sent: Thursday, November 01, 2012 4:47 PM
To: Simmons-Smith, Michael
Subject: Case Number: SP-2011-0177DS

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Re:

Case Number: SP-2011-0177DS
> Boat Dock for 5 Humboldt Lane
> Owner: Maureen Alexander
> Public Hearing: Tuesday, Nov. 6, 2012
> City of Austin Case Manager: Michael Simmons Smith (512-974-1225)

We are adamantly apposed to the proposed work to be done across from our houses on Lake Austin. We were insured that construction across the lake from Manana Street, Austin Texas would not be permitted by the City of Austin and we intend to keep them at their word. It was because of these assurances that we purchased this land and paid accordingly, knowing our views would be protected and remain untouched. We appreciate you assistance in prohibiting such construction. If we let one person do it, soon that side of the lake will be lined with similar structures thus devaluing our properties.

Thank you,

Mary Ann Houtz
Melissa Houtz
Ken Houtz

1515 Manana Syreet
Austin, Texas 78730

512-785-6977

Simmons-Smith, Michael

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From: Maurice & Peggy Davis [REDACTED]
Sent: Thursday, November 01, 2012 4:53 PM
To: Simmons-Smith, Michael
Subject: Case Number: SP-2011-0177DS Opposition Comments and Bluff Photos
Attachments: 2005Lake DownR.jpeg; ATT4400965.txt; IMG_0946.jpeg; ATT4400966.txt; 200511b.jpeg; ATT4400967.txt

Case Number: SP-2011-0177DS
Boat Dock for 5 Humboldt Lane
Owner: Maureen Alexander
Public Hearing: Tuesday, Nov. 6, 2012
City of Austin Case Manager: Michael Simmons Smith (512-974-1225)

We were under the impression that the steep bluff across Lake Austin from our home on Manana was a protected environment.

We are very opposed to another dock being constructed on this steep bluff.

If a dock is allowed, will a house, a road, a trolley or marina soon follow?

This area is one of the few remaining steep bluffs along Lake Austin that does not have multiple docks on the water, trolleys on the bluff, and houses and roads on the crest.

We have no idea what kinds of trees, plants, and grasses thrive on this steep bluff that "man never leaves a footprint."

But we do know it is an extremely safe haven for many species of wildlife including birds, ducks, and fish.

When the lake is drawn down 12 feet every few years, the bluff's rocky base with overhangs and crevices is clearly visible.

This rocky base is a protective cover for a lot of fish, and bass fishermen slowly fish along this bluff all year long.

The Colorado River is 25-30 feet deep along the bluff providing a deep water winter home for fish.

It is an extremely popular area for visitors at nearby Emma Long City Park who are seen in small boats, rubber rafts, and canoes slowly edging along the shoreline of the bluff.

These visitors frequently include young families who are seen enjoying the sight of many ducks and birds who nest along the shoreline.

Many other species of birds, hawks and vultures safely nest high on the bluff.

This bluff is a beautiful and peaceful view not only the Manana neighbors, but also for the many boaters who frequent Lake Austin.

It is a common site for us to see wake board boats, pleasure boats, and jet skis frequently stopping and enjoying the incredible view of the bluff and wildlife.

Please do not allow another dock to mar this rapidly disappearing bit of beauty and wildlife haven == not only for Manana homeowners, but also for the public so they can continue to enjoy this pristine environment.

Maurice and Peggy Davis

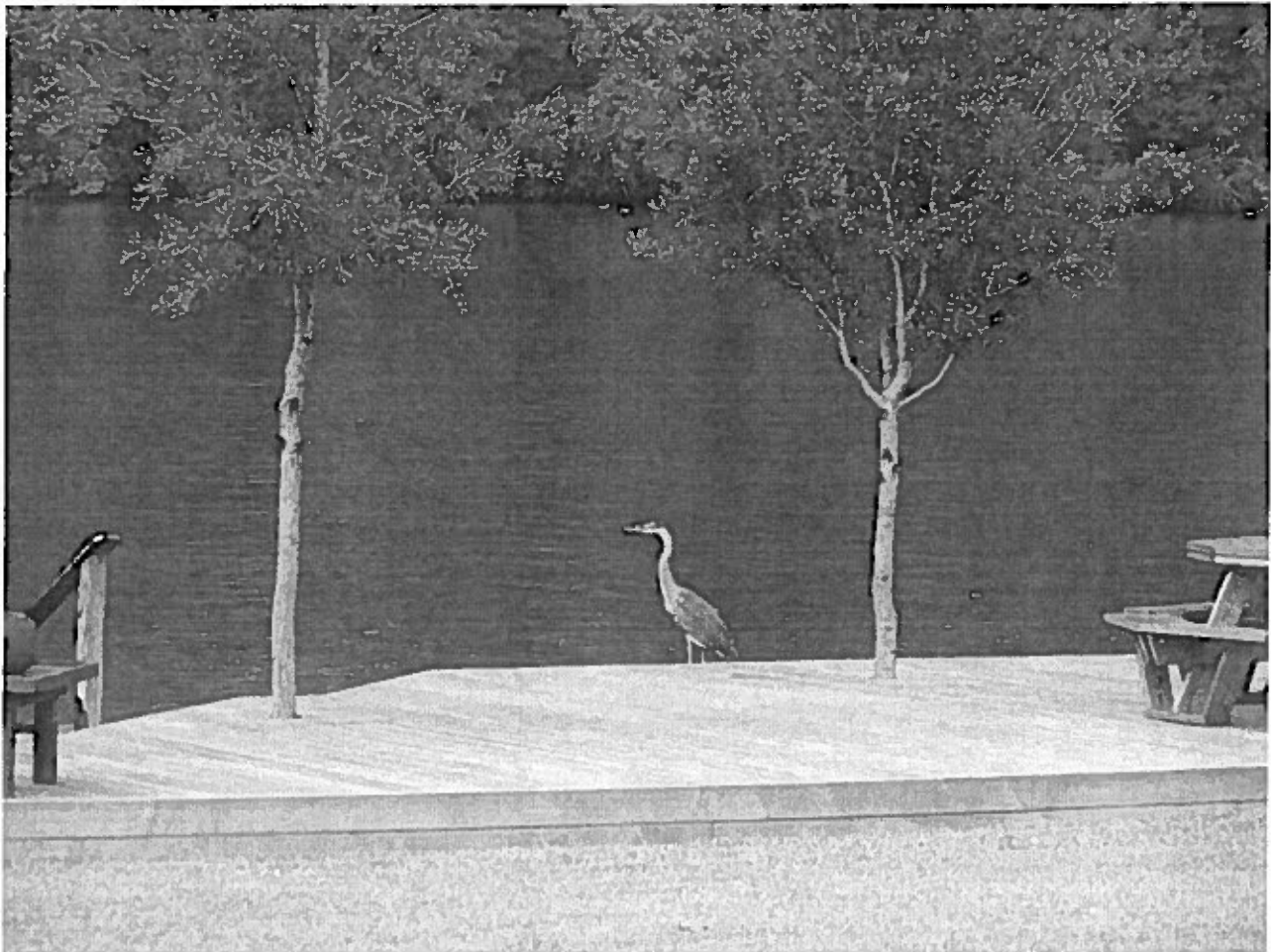
Simmons-Smith, Michael

From: Maurice & Peggy Davis
Sent: Thursday, November 01, 2012 3:43 PM
To: Simmons-Smith, Michael
Subject: Case Number: SP-2011-0177DS Bird and Duck Photos

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Case Number: SP-2011-0177DS
Boat Dock for 5 Humboldt Lane
Owner: Maureen Alexander
Public Hearing: Tuesday, Nov. 6, 2012
City of Austin Case Manager: Michael Simmons Smith (512-974-1225)

A few photos of some of the birds and ducks that live along the bluff that come to visit in our yard from time to time.

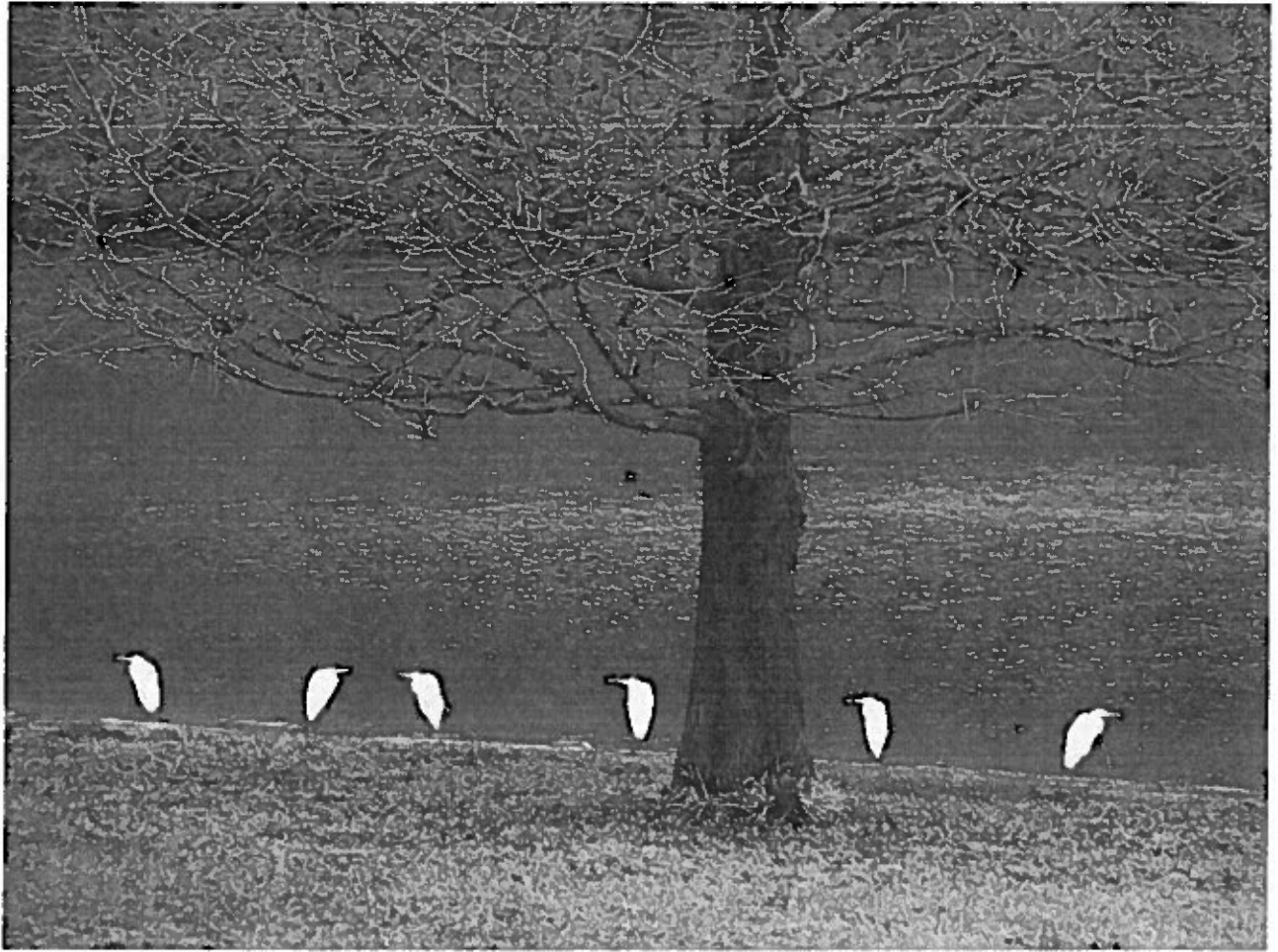




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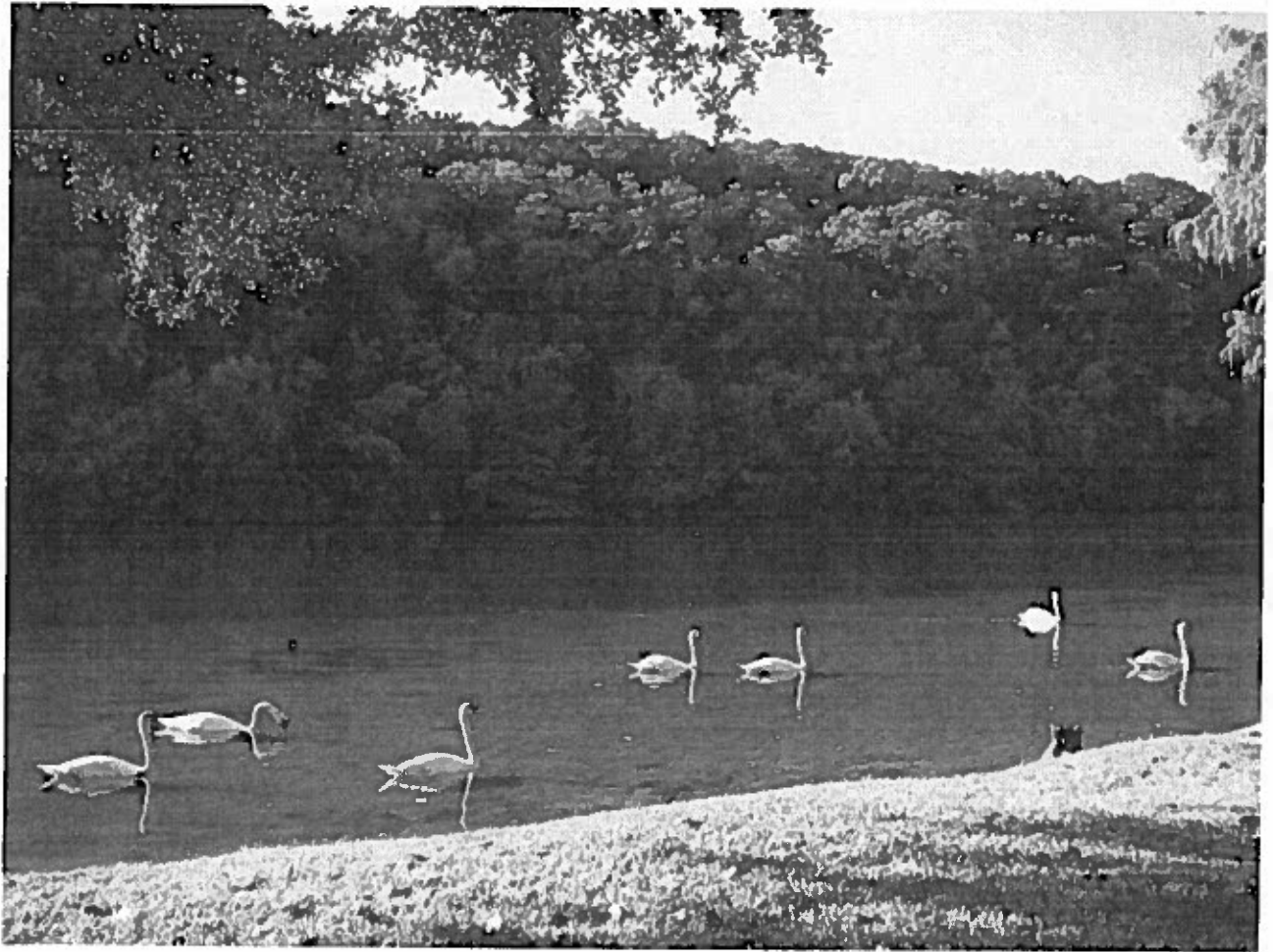
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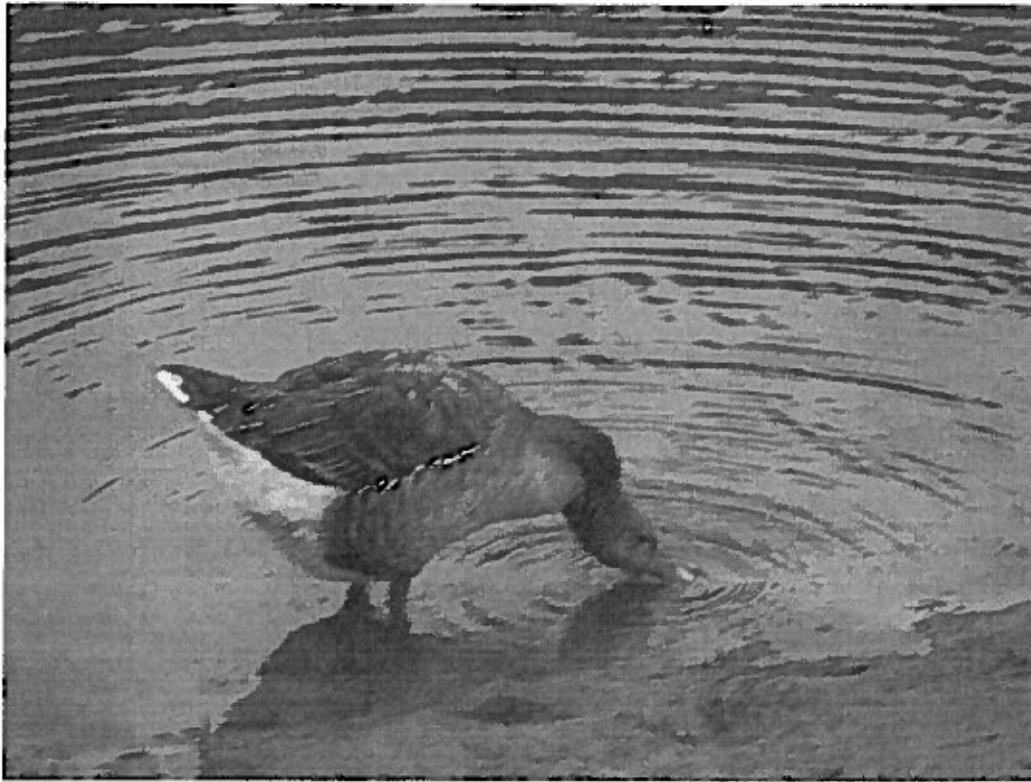
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Maurice and Peggy Davis
1503 Manana Street
Austin, TX 78730
512.795.8799
emdnd@davises.net

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Simmons-Smith, Michael

From: Michael Lambert <[REDACTED]>
Sent: Friday, November 02, 2012 5:28 PM
To: Simmons-Smith, Michael
Cc: Maurice & Peggy Davis; Breedlove Shawn and Deanne; Fischer Jerry; Lambert Michael and Jennifer; Warmack Jim and Leigh McAlister; Shawn Breedlove; Griggs Patrick and Stephanie; Patrick Griggs; Davis Meredith; Davis Clay; Hausmann Kenneth and Debbie, Hausmann Kenneth; Houtz Mary Ann; Shapiro Michael and Casimiera; McWhorter Trey and Sarah; Wombwell John and Robin; Johnson Michael and Candace; Norsworthy Judy
Subject: Re: Case Number: SP-2011-0177DS Tuesday, Nov. 6 Update

Ref: Case Number: SP-2011-0177DS
Boat Dock for 5 Humboldt Lane
Owner: Maureen Alexander
Public Hearing: Tuesday, Nov. 6, 2012
City of Austin Case Manager: Michael Simmons Smith (512-974-1225)

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Mr. Simmons-Smith,

My wife Jenny and I live at 1611 Manana St., Austin, TX 78730 and purchased this, our retirement home, in 2005. We are finally retiring from my Vitreoretinal Surgery practice in Houston to full time in Austin at the end of the year. We learned earlier this week of the above appeal and have sent you a form provided to us by one of our neighbors concerning this. We did not receive a letter or form ourselves despite being one of the homes directly across from the property in question.

We purchased our home for many reasons including the great neighborhood, park-like atmosphere, great neighbors (the previous owner was very informative on the area) and the fact that we are basically in a wildlife preserve with nothing but a bluff across the lake from us and that no docks, buildings, etc. could ever be built there as the bluff was not included in the platting of the properties several hundred feet above the water and that the bluff was a preserve to the nature of the area. Our home has large cottonwood trees in the backyard and is home to many blue herons. We have people come to our house and ask if they can photograph these beautiful birds frequently. They live in our trees, but spend much time flying across the lake in the trees directly across from us. Undisturbed nature at its finest. The blue herons are amazing, but this area is also the habitat of many other animals and people in boats will anchor there just to watch the hawks, eagles, deer, ducks, swans (four new babies this year!), geese, owls, etc.

As we understand it, this application has already been correctly disapproved by the city. To build a dock on such a sheer and tall bluff would require some type of tram from the top to the lake, further disturbing the beauty and nature of the area, not to mention being a hazard from this height. The owners must have known they did not purchase the bluff when they purchased the property and certainly have the right to purchase property on the lake away from this area or on our side. I believe there is a lot right down the street for sale.

In summary, we strongly urge you to disapprove this appeal and save the natural beauty of this area of Lake Austin. Two votes against this appeal. I'm sorry we cannot be at the meeting but I am still very busy seeing and operating on patients in Houston through the end of the year.

Thanks for your time in reading our email and letter and for protecting Austin's beauty and wildlife.

Michael Lambert, MD FACS
Colonel USAF (Ret)
Clinical Professor of Ophthalmology

Jennifer Lambert
Administrator
Retina and Vitreous of Texas

November 3, 2012

16/26

TO: Michael Simmons-Smith, City of Austin Case Manager: (512-974-1225)

REF: Case Number: SP-2011-0177DS
Boat Dock for 5 Humboldt Lane
Owner: Maureen Alexander
Public Hearing: Tuesday, Nov. 6, 2012

Dear Mr. Simmons-Smith,

We have just been notified of the above-cited hearing. We have also received a copy of an email written by the Lamberts, who are our neighbors on Manana Street, across Lake Austin from the proposed site of a new dock (and inevitably a tram). My wife and I have skied on Lake Austin since the 1960s, and our two sons, who both live in Austin with their families, have skied on the lake since 1990, when we built our vacation home here at 1509 Manana Street (we also own the adjacent lot at 1511 Manana). My wife and I live in Houston, where I have been a full-time tenured faculty member at the University of Houston since 1980.

One of the many beauties of the lake here is the gorgeous - and pristine - bluff that sits across the lake from our house. Every guest who visits us here comments on the beautiful scene we are so fortunate to have across the lake from our house, and every boater who passes it enjoys the wonder of that bluff. For us, it would be tragic to spoil this striking natural beauty with a dock and a tram, and this tragedy would be magnified if the approval of such a request would ultimately lead to similar scarring of that beauty all along the bluff.

I mentioned the Lamberts' message to you above. I believe they have described quite well many of our own concerns and thoughts, and our own understanding of the legal sanctity of that bluff. I'll therefore focus on additional concerns that my wife and I have that are shared by our two sons, who, as I mentioned, are Austin residents and use our lake house for entertaining their families and friends.

Additional Concerns:

1. We have owned this house for 22+ years, yet to our knowledge we never received direct notice of the upcoming hearing, either by regular mail, email, or telephone. We are indebted to one of our neighbors, Peggy Davis, for notifying us.
2. In all our years on the lake we have skied, at one time or another, all parts of the lake, from Mansfield Dam down to Tom Miller Dam. The stretch of lake that our house is on is one of the narrowest in the entire length of Lake Austin; I would guess that only the uppermost mile or two - the stretch immediately below Mansfield Dam - is narrower. This area in front of our house already gets substantial boat traffic because it tends to

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calm down more quickly than wider stretches of the lake. We are concerned, and our sons are as well, that docks across from us could significantly increase the risk of a very bad accident.

3. Also related to the narrow width of the lake along this stretch, docks below and trams along the bluff are more intrusive on one's view of the bluff the closer they are to the person trying to enjoy the view. I believe the impact would be negative to anyone who cherishes the view, of course, but the closer the intrusive blemish, the more distracting and off-putting it will be. Thus, I believe the negative impact on those of us who live on Manana would be even more acute because of the relatively short intervening distance between our houses and the bluff..
4. I have no way of estimating the effect, but clearly the presence of a dock and tram, or worse yet a string of them, across the lake from us would reduce the desirability and hence the value of our lake house. Our primary concern is to preserve the natural beauty of the bluff, but the likely significant adverse economic impact of one or more docks and trams cannot be ignored.

In summary, we feel strongly that permitting docks and trams would destroy one of the prettiest natural bluffs on the entire lake. We emphatically oppose the variance sought by Ms. Alexander and urge the Zoning and Platting Commission to deny this appeal and affirm its original decision to deny the original application for a variance. Thank you for taking the time to give careful consideration to our concerns.

Archer and Dava McWhorter
1509 Manana Street
Austin, TX 78730

Permanent address: 13803 Pinerock Lane
Houston, TX 77079

- P.S. I have class Tuesday at UH and my wife is serving jury duty in federal court for all of next week. We regret that these conflicts prevent us from attending the hearing.. We visit Austin often because our sons and grandchildren are here and because we love to entertain here, so we do not consider driving to Austin and back a burden. We simply cannot attend due to schedule conflicts beyond our control.

Simmons-Smith, Michael

From: Jim Warmack <[REDACTED]>
Sent: Monday, November 05, 2012 11:55 AM
To: Simmons-Smith, Michael
Subject: Case Number SP-2011-0177DS

CV/2A

Dear Mr. Simmons-Smith

As a Lake Austin resident for more than 20 years I would like to add my support to the letters you have received from the Lamberts and McWhorters. I am a resident living between their two locations and believe they have clearly stated why the Zoning and Platting Commission should deny this appeal for a variance. Thank you.

James R Warmack
1609 Manana St
Austin TX 78730

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

A zoning ordinance amendment may include a conditional overlay which would include conditions approved by the Land Use Commission or the City Council. If final approval is by a City Council's action, there is no appeal of the Land Use Commission's action.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 14 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/development.

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: SP-2011-0177DS

Contact: Michael Simmons-Smith, 512-974-1225

Elsa Garza, 512-974-2308

Public Hearing: Zoning and Planning Commission, Nov 6, 2012

MC THE L TWO SEVEN TWO LANE ST

Your Name (please print)

1611 MANANA ST, AUSTIN 78720

Your address(es) affected by this application

Appl. and filed 10/31/12

Signature

Date

Daytime Telephone: 512-382-7313

Comments: We purchased our property because we

would have a clear view of the hill across

the hill from our old house and we would

like to have a clear view of the hill across

the hill from our old house and we would

like to have a clear view of the hill across

the hill from our old house and we would

like to have a clear view of the hill across

the hill from our old house and we would

like to have a clear view of the hill across

the hill from our old house and we would

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like to have a clear view of the hill across

If you use this form to comment, it may be returned to:

City of Austin

Planning and Development Review - 4th floor

Michael Simmons-Smith

P. O. Box 1088

Austin, TX 78767-1088

☐ I am in favor
☒ I object

CITIZEN ASSISTANCE FORM
CAF1068 - E-Mail Response
August 15, 2008

CG/30

ltrenasty@hotmail.com

Dear Ms. Trenasty:

Thank you for your recent e-mail to City Manager Marc Ott, regarding the Rob Roy Bluff across from Manana Street on Lake Austin. The City Manager has asked that I respond on his behalf.

There is a restrictive covenant for Rob Roy Phase 2 which prohibits any construction along the existing bluff. This restrictive covenant can only be modified or released by a majority vote of the City Council. The City of Austin has and will continue to enforce the restrictive covenant.

Recently you may have noticed the construction of a boat dock at 62 Pascal Lane. This construction was approved, as the boat dock's physical location is not within the platted property where the restrictive covenant is applicable. Since this particular property owner does not need any physical access from their residential home to the shoreline, other than pedestrian, this construction was permitted. In addition, the boat dock was approved in a manner as to eliminate any unnecessary projection of the dock into this narrow area of the lake for navigability and public safety.

Thank you again for contacting the City of Austin. The City of Austin will continue to uphold the integrity of the restrictive covenant and protection of the existing bluff along the lake front lots of the Rob Roy Phase 2 subdivision. If you have additional questions, please contact John McDonald, Land Use Review, Watershed Protection and Development Review Department at 974-2728.

Sincerely,

Victoria J. Li, P.E., Director

WATERSHED PROTECTION AND DEVELOPMENT REVIEW DEPARTMENT